

1 long ago. I can't --

2 Q. As you sit here, do you recall anything else
3 about --

4 A. I mean, if things --

5 Q. Hold on.

6 A. Sorry.

7 Q. You've got to wait. It's not a conversation.

8 As you sit here, do you recall anything else
9 that you spoke with Ann Williams about regarding
10 Mr. Roundtree?

11 A. Right now, I cannot remember.

12 Q. When did you speak with the investigative
13 reporter?

14 A. In -- beginning August, end of July.

15 Q. And did you call the reporter?

16 A. No.

17 Q. Who was the reporter?

18 A. Aaron Glantz.

19 Q. And what's your understanding of -- strike
20 that.

21 So you're saying Aaron Glantz called you?

22 A. Yes.

23 Q. Was this after he had spoken with Ann
24 Williams?

25 A. Probably.

1 Q. And did you tell Ann to call Aaron Glantz?

2 A. No.

3 Q. Did --

4 A. Or she may have asked my permission, if she
5 could contact -- I can't remember.

6 Q. What's your understanding of why Aaron Glantz
7 called you?

8 A. He wanted to do -- I mean, the focus of the
9 story was on Hosea.

10 Q. How did he know to call you about Hosea?

11 A. Because -- Ann asked me if she could contact
12 somebody, and I said sure. And they liked the story,
13 and so they decided to move forward to do the
14 interview.

15 Q. If I understand what you're saying, Ann told
16 Aaron Glantz about what happened with you and
17 Mr. Roundtree?

18 A. Yes.

19 Q. And gave the reporter your name?

20 A. Yes.

21 Q. And then the reporter called you?

22 A. Yes.

23 Q. Did you provide a release to the reporter?

24 A. I did.

25 Q. And do you have a copy of that release?

1 A. No.

2 Q. Why not?

3 A. I just don't. I'm very busy. I'm juggling a
4 lot of things.

5 Q. How did you copy -- how did you get the
6 release to the reporter?

7 A. The -- they came to my house and interviewed
8 me.

9 Q. And was Mr. Hosea Roundtree at your house?

10 A. No. They went to his house.

11 Q. Did they come to your house before or after?

12 A. Before.

13 Q. Did you have a conversation with them before
14 they came to your house?

15 A. No.

16 Q. You didn't have a conversation with the
17 reporter before they came to your house?

18 A. Just scheduling the time when they were going
19 to come.

20 Q. So at the time that they came to your house,
21 what was your understanding of what the interview was
22 about?

23 A. They were -- Ann talked to them, so I -- the
24 story, I guess, was going to be based on Hosea. So
25 they had some interview questions that they asked me,

1 and then they went to see Hosea later that day.

2 Q. When was this interview?

3 A. Like the end of July, early August.

4 Q. And during this conversation, you discussed
5 Mr. Roundtree's claim; is that correct?

6 A. It was in general terms. Very general.

7 Q. What do you mean by that?

8 A. That he had filed a claim and I was the person
9 that worked on it and that I found a discrepancy.

10 Q. Prior to you speaking with Mr. Glantz, did you
11 have any communications with Mr. Roundtree that you
12 were going to talk to a reporter about his file?

13 A. I -- I didn't discuss that with him. I don't
14 know if Ann did. I can't remember.

15 Q. Oh, Ms. Williams and Mr. Roundtree have been
16 in discussions.

17 Is that your understanding?

18 A. Yes.

19 Q. And when did those discussions start?

20 A. I think June.

21 Q. And how did Ms. Williams get Mr. Roundtree's
22 contact info?

23 A. She went with me to go visit him.

24 Q. When he gave you the medical records?

25 A. Yes.

1 Q. So, I guess, when you were discussing with
2 Mr. Glantz what you believe happened with
3 Mr. Roundtree's claim, what did you tell him?

4 A. That I had found a couple discrepancies and
5 that I brought it to my supervisors.

6 Q. Anything else?

7 A. I was so nervous that -- and had anxiety, and
8 I -- I -- quite honestly, I kind of blanked on the day,
9 so ...

10 Q. So you spoke with Mr. Glantz about
11 Mr. Roundtree's file prior to talking with
12 Mr. Roundtree that you were going to do that?

13 A. Say that again.

14 Q. You spoke with Mr. Glantz about
15 Mr. Roundtree's claim without having first spoken with
16 Mr. Roundtree that you were going to do that, that you
17 were going to speak with a news reporter about --

18 A. No.

19 Q. -- what happened?

20 A. There -- there -- Hosea gave his permission.
21 He want -- he's the one that -- because the story is --
22 he's the star of the story. So it's -- the permission
23 was all through him.

24 Q. How do you know he gave his permission?

25 A. He -- I think he signed a release.

1 Q. How do you know that?

2 A. Because I saw Ann have him sign a release.

3 Q. Do you have the release?

4 A. I do. I didn't bring it with me.

5 Somewhere -- I have it somewhere.

6 Q. You did not produce it, correct?

7 A. No. I -- I have gone through three moves in
8 the last three years, and the space that I'm living now
9 is a lot smaller than previous places that I have
10 lived. So I still have a lot of stuff in storage. And
11 so in doing the actions of this case and also doing my
12 master's program, is in my living room, which is my
13 living space. So it's very challenging to keep all my
14 school papers and papers from this action organized.

15 So I'm still in the process of organizing
16 everything because I don't have an office. I don't
17 have a second room to do this in anymore. I don't have
18 an office.

19 Q. Was your understanding that the release gave
20 you permission to discuss information about
21 Mr. Roundtree?

22 A. Yes. It was a release along that -- those
23 lines.

24 Q. And, I guess, what's the scope of the release,
25 as you understand it?

1 A. That -- I can't remember. It was back in
2 June. But I can provide it for you.

3 Q. As you sit here, you don't have a recollection
4 of what the scope of the release is?

5 A. It's basically about his claim and his medical
6 information, that kind of thing.

7 Q. Did you speak with anybody at your employer
8 about whether or not it was appropriate to speak to a
9 news reporter about a veteran's claim?

10 A. I did. I spoke with a PR person at -- out of
11 San Francisco.

12 Q. Anyone else?

13 A. No. Oh, I did touch base with a Sacramento PR
14 person because I wanted to make sure that Hosea spoke
15 with her so he understood what he could say and
16 couldn't say.

17 Q. Who was the PR person out of San Francisco?

18 A. I don't remember. But I'm -- I could get you
19 those names.

20 Q. And what about the Sacramento person?

21 A. I don't remember, but I could get you those
22 names.

23 Q. Did you speak with anybody else about whether
24 or not it was appropriate for you to speak with a news
25 reporter about a veteran's claim file?

1 A. No. I just -- I just spoke with Hosea, and I
2 spoke with the PR person at the VA San Francisco
3 Medical Center.

4 Q. And did anybody, whether employed by the VA or
5 not, mention that you should not speak with a news
6 reporter about a veteran's claim?

7 A. No. She asked me what it was about, and I
8 told her. She just said that I -- she says that I had
9 First Amendment rights, that I could not say --

10 Q. I'm asking anybody, whether employed by the VA
11 or not.

12 Did anybody mention to you that you should not
13 speak with a news reporter about a veteran's claim?

14 A. No. Nobody told me that, not to.

15 Q. Have you had any email communications with
16 Mr. Roundtree?

17 A. I have.

18 Q. And from what email account have you had email
19 communications with him?

20 A. I think from my work email.

21 Q. Any others?

22 A. May have been the Gmail, the yummyorganic
23 Gmail, but I don't remember.

24 Q. Did you do a search of your emails regarding
25 communications to, from, or about Mr. Roundtree?

1 A. Did I do a search?

2 Q. Yes.

3 A. No.

4 Q. Why not?

5 A. Why would I do a search?

6 Q. Because I have an outstanding discovery
7 request to you for all of your documents about him,
8 including any communications.

9 A. Which I also said -- stated that it was
10 protected under the work product doctrine.

11 Q. And how is that protected by the work product
12 doctrine?

13 A. Well, let's see here.

14 "The work product doctrine is an independent
15 source of immunity from discovery separate and distinct
16 from the attorney-client privilege. It is broader than
17 the attorney-client privilege. It protects materials
18 prepared by the attorney, whether or not disclosed" --

19 Q. Ms. Fox --

20 A. -- to the client."

21 Q. -- I'm asking you in here your belief without
22 reading from a document, some generic principle. I
23 need to understand, and you should be considering this
24 a meet and confer, by the way.

25 What is your basis for claiming that any

1 communications between you and Mr. Roundtree are
2 protected by work product?

3 A. Because I was thinking about calling him as a
4 witness.

5 Q. And what about you calling him as a witness do
6 you believe means that your discussions with him are
7 protected by work product?

8 A. That's what my understanding is of the work
9 product doctrine.

10 Q. What is your understanding of -- well, strike
11 that.

12 Is it your contention that all of your email
13 communications with Mr. Roundtree are protected by the
14 work product doctrine?

15 A. Yes.

16 Q. And you did not create a privilege log -- is
17 that correct -- for any communications you're
18 withholding on the grounds of work product?

19 A. No. I don't even know what a privilege log
20 is.

21 Q. How many email communications have you had
22 with Mr. Roundtree?

23 A. I don't remember.

24 Q. I asked you about your prior communications.
25 You said you had two telephone conversations and then

1 possibly one or two calls prior to you meeting with him
2 in June.

3 Between April and June, when were those other
4 two calls?

5 A. I don't remember.

6 Q. And did you call him, or did he call you?

7 A. I don't remember. We've done both.

8 Q. And what did you discuss in those calls?

9 A. I don't remember.

10 Q. And then you said you met him in June?

11 A. Yes.

12 Q. And where did you meet him?

13 A. In Sacramento.

14 Q. At his work?

15 A. Yes.

16 Q. And who was with you?

17 A. Ann Williams.

18 Q. Whose idea was it to meet in person?

19 A. I don't remember.

20 Q. How long was your meeting?

21 A. I don't know. Maybe an hour. I don't
22 remember.

23 Q. And what did you discuss?

24 A. That's going to be protected by the work
25 product doctrine.

1 Q. Well, you waived that, because you told me
2 that when you met, Ann was there --

3 A. Uh-huh.

4 Q. -- which is a third party, and that he signed
5 a release for the interview and gave you some
6 documents. So you've already disclosed at least some
7 part of the communications. And I do not concede at
8 all that any of your communications with Mr. Roundtree
9 are protected in any way by a work product doctrine.

10 So I'm asking you: What was discussed?

11 A. But she is part of the common interest
12 privilege. She is working -- his case has some bearing
13 on her -- her case.

14 Q. You said she doesn't know if she's even going
15 to file, correct?

16 A. I don't know.

17 Q. Right.

18 So -- well, that's a problem for the
19 privilege, is it not?

20 A. That's a problem with me not being an attorney
21 and not having representation.

22 Q. Okay.

23 So are you refusing to discuss the
24 communication that you had with Ann and Mr. Roundtree
25 during this in-person meeting?

1 A. Yes.

2 Q. Okay. And, again, the grounds that you're
3 refusing to discuss it on?

4 A. On common interest privilege, on work product
5 doctrine. I've already given you quite a bit of
6 information on the meeting of that day.

7 Q. Well, I'm entitled to all of it because there
8 is no protection that protects it. So I'm sure we'll
9 be calling the judge. I'm just trying to narrow the
10 issues that we're going to raise to her. So if you
11 change your mind at any point, please let me know right
12 away, because we will be reaching out to her.

13 A. Okay.

14 Q. I asked you about the documents you've seen
15 about Hosea Roundtree, and you said it was a document
16 from New Directions.

17 How did you get that document?

18 A. He showed it to me in June.

19 Q. And who is it from?

20 A. New Directions.

21 Q. Right.

22 Do you know who, like a person?

23 A. I don't remember.

24 Q. Do you know what it said?

25 A. Somewhere along the lines that he was treated

1 there at that facility.

2 Q. The next communication that you said you had
3 with Mr. Roundtree was when? Following your in-person
4 meeting in June.

5 A. I think it might have been July. I think it
6 was that July. I don't remember every conversation.

7 Q. Again, I'm talking about written or verbal.
8 You think in July? And who contacted who?

9 A. I don't remember.

10 Q. Was it written or verbal? Do you know?

11 A. Most our communication has been via the
12 telephone.

13 Q. And what was said in that discussion?

14 A. He was talking to me about his past and what
15 happened in the Navy and his life, his family. He's
16 very religious, so he would talk a lot about God.

17 Q. And what else was said?

18 A. That's all I can remember.

19 Q. Was anybody else present?

20 A. No.

21 Q. What's the next conversation that you had with
22 Mr. Roundtree?

23 A. I think I talked to him last week and maybe --
24 I don't -- I don't remember. I know it was definitely
25 last week. There may have been another time before

1 that. I just don't remember.

2 Q. And what did you discuss with him?

3 A. He -- oh, I know. So maybe a few weeks --
4 maybe like mid-September, he was -- because the -- the
5 interview was supposed to air, and we hadn't heard from
6 anybody. And so he was calling to find out when it was
7 going to air. And I told him I'd get back to him when
8 I found out. And then once we were told when it is
9 going to air, I called to tell him that.

10 Q. And has the article aired?

11 A. No. Not yet.

12 Q. And what's your understanding of when it's
13 going to air?

14 A. It's my understanding that will occur before
15 Veterans Day.

16 Q. Have you now told me everything you can recall
17 about this conversation with Mr. Roundtree?

18 A. That I can remember.

19 Q. And in light of the fact that you have
20 communicated to me what you said you can recall about
21 various other communications that you've had with him,
22 is it still your position that you're refusing to
23 answer in full the communication that you had with him
24 in June?

25 A. Well, I didn't -- I haven't refused to tell

1 you in full. I've told you some of what we had
2 communicated.

3 Q. Right. I want to know everything that was
4 said during that communication in June.

5 So is it your position still that you're
6 refusing to answer that?

7 A. For a part of the conversation, yes.

8 Q. And what part is that?

9 A. Something that -- a conversation between Ann
10 and him.

11 Q. And you were present?

12 A. Yes.

13 Q. Who had called this in-person meeting? You
14 don't remember?

15 A. I don't remember. I think we wanted to meet.
16 And it was kind of a mutual thing. And then when -- I
17 told Ann about it, and she wanted to come. So I said,
18 "Sure, come with me."

19 Q. Who is the "we"?

20 A. The who?

21 Q. "We wanted to meet." When you say, "we wanted
22 to meet," who is "we"?

23 A. Hosea and I.

24 Q. And why did you want to meet?

25 A. We just had this connection. He's a really

1 nice, charismatic man.

2 Q. What was your understanding of the purpose of
3 that meeting?

4 A. Just to meet each other.

5 Q. Other than Mr. Roundtree and the reporter,
6 have you had any communications with anybody else about
7 Mr. Roundtree since your notice of termination?

8 A. Not that I can remember.

9 Q. And you're including even when you don't refer
10 to him by name, correct?

11 A. Correct.

12 Q. Do you belong to a gym?

13 A. I do.

14 Q. Which one?

15 A. 24 Hour Fitness.

16 Q. Where?

17 A. In Santa Rosa.

18 Q. How long have you belonged there?

19 A. Maybe two years.

20 Q. And prior to that, did you belong to a gym?

21 A. I think the 24 Hour Fitness in Oakland. Or,
22 you know, you can use several different sites.

23 Q. When you lived here in the Bay Area, which one
24 did you use?

25 A. I first started going to One, which was down